

# WHAT IS THE PROVIDER ACCESS LEGISLATION?

Key requirements that schools need to know

**The new Provider Access Legislation has now taken effect and applies to all schools in England.**

**This short guide sets out the main points that your school needs to know.**

## Why is there new legislation?

The new Provider Access Legislation was set out in the [Skills and Post-16 Education Act 2022](#) and is designed to develop and strengthen the existing legislation (the [Baker Clause](#)) by ensuring strong partnerships between schools and different types of training providers. This is to ensure that all pupils in years 8 – 13 have meaningful encounters with providers of technical education and apprenticeships, so that they can be better informed about their options. The new legislation took effect from January 2023.

## What is the Baker Clause?

The Baker Clause is a clause in the Technical and Further Education Act 2017 that stipulates schools must allow colleges and training providers access to every pupil in Years 8 to 13 to inform them about approved technical education qualifications and apprenticeships.

## Where can schools access further guidance?

The Department for Education has recently updated the [Statutory guidance](#) for schools, setting out updated expectations for compliance.

## Why is new legislation required?

There is a great deal of evidence and research that demonstrates that young people in England are still not receiving adequate opportunities to be informed about all of their vocational options, by different provider types, without bias towards particular routes or opportunities. This new legislation places a requirement on schools to ensure that they are engaging with different types of providers, so that all academic and vocational options can be explained and explored equally.

## TOP TIP

The ASK Programme (funded by the DfE) entitles education establishments to access free support covering apprenticeship and other technical education options. Visit: [amazingapprenticeships.com/request-support](https://www.amazingapprenticeships.com/request-support)



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## Who are the providers of technical education and apprenticeships, and what do they do?

There are lots of different organisations that are registered as providers, for example:

- Independent Training Providers
- FE Colleges
- Universities
- University Technical Colleges
- Employer providers
- Institutes of Technology
- Studio Schools

The Provider Access Legislation guidance will also set out the other types of organisations and representatives that will be considered compliant with the requirements.

## What is a training provider?

A training provider supplies the training and education element of an apprenticeship or technical education programme. For apprenticeships, this is the off-the-job element and for T Levels, this is the classroom element. They also have a key role in assessing progress towards achieving all qualifications and experiences as part of the programme, and for providing support and guidance to the individual learner. The provider will be a crucial link between apprentice and employer.

## What will Ofsted be looking for?

Ofsted has updated its school inspection handbook to strengthen the focus on careers guidance, including clarification that inspectors will always report where a school falls short of the requirements of the provider access legislation, as well as considering how it affects a school's inspection grade.

Ofsted have been asked to undertake a thematic review in Spring 2023 to provide an up-to-date assessment of careers guidance in schools and colleges and provide recommendations to improve practice.

## DISCOVER MORE

The Careers & Enterprise Company has set up a webpage containing lots of useful information and resources for schools and colleges.

Visit the page here and sign up for their newsletter to be kept informed of the latest news.

<https://www.careersandenterprise.co.uk/fe-skills/provider-access-legislation/>



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## What are the new requirements of the Provider Access Legislation?

The guidance specifies schools must create opportunities for providers of technical education and apprenticeships to visit schools for the purpose of informing year 8-13 pupils about approved technical education qualifications and apprenticeships. Schools must provide six encounters with approved providers for all their pupils as a minimum:

- Two encounters for pupils during the 'first key phase' (Year 8 or 9) that are mandatory for all pupils to attend and should take place between 1st September and 28th February for year 9s.
- Two encounters for pupils during the 'second key phase' (Year 10 or 11) that are mandatory for all pupils to attend and should take place between 1st September and 28th February for year 11s.
- Two encounters for pupils during the 'third key phase' (Year 12 or 13) that are mandatory for the school to put on, but optional for pupils to attend, and should take place between 1st September and 28th February for year 13s.

Schools must allow providers to have a reasonable amount of time, during the standard school day, to meet the pupils and to provide all pupils with 'career-focused' experiences. To promote the quality and consistency of provider encounters, the legislation includes a new set of minimum information that the school must ask the provider to give pupils during each encounter (see below).

## What is the minimum information the school must ask the provider to give pupils?

Schools and providers should work together and schools must ask each provider to provide information to pupils that, as a minimum, includes:

- Information about the provider and the approved technical education qualifications or apprenticeships that the provider offers.
- Information about the careers to which those technical education qualifications or apprenticeships might lead.
- A description of what learning or training with the provider is like.
- Responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.

## Should providers and schools do anything else?

Providers and schools should also consider how this information could be reinforced outside of the encounter itself and, for example, how the encounter can be supplemented with follow up resources that are specifically tailored to parents and carers.

